APPENDIX A

The Department of State refers to the Embassy of the Russian Federation's note No. 30 dated May 10, 2000, regarding service of legal process on the Russian Federation in *Compagnie NOGA D'Importation et D'Exportation S.A. v. The Russian Federation* (the "NOGA" case), a case pending in the United States District Court for the Western District of Kentucky. In its note, the Embassy advises that the Russian Federation objects to the manner of service in the NOGA case, and asserts that service of process on the Russian Federation is governed by an Exchange of Notes between the United States and the Union of Soviet Socialist Republics of November 22, 1935.

The Department of State wishes to inform the Embassy that it does not consider the 1935 Exchange of Notes to cover service of process in all instances on the Russian Federation. The Exchange of Notes addresses the manner in which the two governments will execute letters rogatory under their respective legal systems, when such requests are issued out of the courts of the other country. The Exchange of Notes does not, however, purport to establish letters rogatory as the exclusive means of service of judicial process in the other state. Where service of process is requested via letters rogatory, the Department of State agrees the procedures described in the Exchange of Notes would apply.

Under U.S. law, the exclusive means of service of process on a foreign state in civil proceedings is provided under the Foreign Sovereign Immunities Act (the "FSIA"), section 1608(a) (28 U.S.C. § 1608(a)). Section 1608(a) (2) includes the possibility of service "in accordance with an applicable international convention on service of judicial documents." The 1935 Exchange of Notes does not constitute an international convention on the service of judicial documents. Rather, the Exchange of Notes addresses generally the procedures to be used in the execution of letters rogatory,

whether these requests relate to taking evidence (the focus in the Exchange of Notes), to service of legal process, or to other forms of judicial assistance.

Where service of process is undertaken by means other than letters rogatory, the procedures in the Exchange of Notes have no application. The Exchange of Notes has been characterized as follows by an [sic] U.S. Federal Court: "Plainly this exchange [the 1935 Exchange of Notes] does not constitute an 'applicable international convention' for service of judicial documents. It covers procedures for each country to honor letters rogatory issued by courts of the other country." See *Filus v. LOT Polish Airlines*, 819 F.Supp. 232, 237 (E.D.N.Y. 1993). Moreover, at the time the FSIA was adopted, the U.S. Congress expressly stated in the legislative history regarding section 1608 (a) (2) that the only convention on service of judicial documents to which the United States was a party was the Hague Convention on Service Abroad of Judicial and Extrajudicial Documents.

The FSIA permits service by several methods, including service by mail requiring return of a signed receipt, or, where service by mail cannot be made, by service through the diplomatic channel. If the Russian Federation objects to mail service and wishes to be served via the diplomatic channel, it may decline to sign the return postal receipt acknowledging mail service. If in a particular case mail service has been accepted, but the Russian Federation considers that this was done by an individual without the adequate authority (for example, by an entrance security guard), it may raise this issue with the court. The Department notes that the court, if it were persuaded to invalidate service on this ground, could decide to afford the plaintiff additional time in order to serve under section 1608 (a) (4) of the FSIA.

The Department appreciates the inconvenience and expense that may arise for the Russian Federation if mail service is accepted inadvertently. The Department is consulting with

the Department of Justice and with the Administrative Office of the United States Courts to consider whether guidance might be issued to the Clerks of the Federal District Courts on this topic. If issued, such guidance would seek to minimize occasions when mail service is attempted on the Russian Federation under the FSIA, though it could not ensure the elimination of all cases of attempted service by mail. If guidance is issued, the Embassy will be provided with a copy.

The Department of State trusts that the Embassy of the Russian Federation will find the foregoing information useful.

Department of State,

Washington,

August 21 2000

APPENDIX B

No. 30

The Embassy of the Russian Federation in the United Stales of America presents its compliments to the Department of State of the United States of America and in connection with the civil case of the Swiss company "NOGA" ("NOGA D'Importation et D'Exportation S.A.") versus the Russian Federation, dispatched to the Ministry of Foreign Affairs of the Russian Federation by airmail, has the honor to draw attention of the American Side to the following:

> In accordance with the exchange of notes between the Parties of November 22, 1935, on the order of execution of letters of rogatory, these letters forwarded by the courts of the United States for execution must be sent through diplomatic channels, i.e. via the Embassy of the United States of America in Moscow and the Ministry of Foreign Affairs. Therefore, there is direct evidence of noncompliance by American courts with the existing procedures of notification of the defendant on the cases brought in by the "NOGA" company.

In this connection the Russian Side reserves for itself the right not to recognize any legal consequences resulting from the transmittal of judicial documents which has been performed in violation of the established procedure.

The Embassy renews to the Department of State. the assurance of its highest consideration.

Washington, D.C.

May 10, 2000

APPENDIX C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

00-CIV-0632 (WHP)

COMPAGNIE NOGA D'IMPORTATION ET D.EXPORTATION S.A.

Plaintiff,

v.

The Russian Federation

Defendant.

NOTICE OF WITHDRAWAL OF MOTION TO DISMISS

Defendant, the Russian Federation, by the undersigned counsel, hereby withdraws its June 23, 2000 motion to dismiss the complaint.

Dated: New York, New York
September 27, 2000

CLEARY, GOTTLEIB, STEEN & HAMILTON

By: /s/
Howard S. Zelbo (HZ3227) A Member of the Firm
One Liberty Plaza
New York, New York 10006
(212) 225-2000
Attorneys for Defendant

SO ORDERED: 10/2/00
/s/
WILLIAM H. PAULEY, III, U.S.D.J.

APPENDIX D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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00 CIV. 9627 (JGK)

BASE METAL TRADING, S.A. BASE METAL TRADING LTD.; AND ALUCOAL LTD.,

Plaintiffs,

v.

RUSSIAN ALUMINUM; SIBIRSKY ALUMINUM PRODUCTS USA CORP. a/k/a SIBIRSKY ALUMINUM (U.S.); SIBIRSKY ALUMINUM (Russia); BAUXAL MANAGEMENT, S.A.; METCARE MANAGEMENT, S.A., UNIMETAL LIMITED, S.A.; OLEG DERIPASKA; MIKHAIL CHERNOI; CHERNOI COMPANIES 1 TO 10; AND NOVOKUZNETSK ALUMINUM ZOVOD,

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between plaintiffs and the defendants indicated below (the "Defendants") that the Defendants' time to answer or otherwise move with respect to the Complaint herein is extended to and including May 24, 2001.

IT IS FURTHER STIPULATED AND AGREED that the Defendants acknowledge service outside of the United States (except for Sibirsky Aluminum Products USA Corp. which was served in the United States) and waive any objection to service.

STROOCK & STROOCK & LAVAN LLP

By: /s/
Robert Abrams (BA-3744)

Attorneys for Plaintiffs
180 Maiden Lane

WINSTON & STRAWN

By: /s/
Michael D. Burrows (MB-2863)

Attorneys for Sibirsky Aluminum Products USA Corp., Sibirsky

New York, New York 10038
(212) 806-5400

Aluminum (Russia), Bauxal Management, S.A., Metcare Management, S.A.,, Unimetal Limited, S.A. and Oleg Deripaska
200 Park Avenue
New York, New York 10166
(212) 294-4618

HOGAN & HARTSON

By: /s/
John A. Redmon (JR-1857)

Attorneys for Novokuznetsk Aluminum Zavod
885 Third Avenue
New York, New York 10022
(212) 409-9800

MORVILLO, ABRAMOWITZ, GRAND IASON & SILBERBERG, P.C.

By: /s/
Paul R. Grand (PG-9144)

Attorneys for: Russian Aluminum Management, formerly known ask Russkiy Aluminiy and sued here as Russian Aluminum
565 Fifth Avenue
New York, New York 10017
(212) 856-9600

SO ORDERED:
/s/
John G. Koeltl
U.S.D.J.
2/2/01

APPENDIX E

ROSURTZENTR
LEGAL-AUDITING COMPANY

MARCH 11, 1998

No. 7-14/98

Attention: Mr. J.P. Szymkowicz
Law Firm Szymkowicz & Buffington

Dear J.P. Szymkowicz

In accordance with your request of December 29, 1997, I, Assistant of General Director of "ROSURTZENTR" A. Rusakov, sent claims of Mr. Konanykhine in reference to the newspaper "Izvestia", Joint-Stock Company Editorial Board of the Newspaper "Izvestia", Mr. Gennadiy Charodeev and Mr. Vladimir Mikheev (Claim No. 97-1139, Arlington Circuit Court).

Notification was mailed in the form required by the Legislation of the Russian Federation – by registered mail.

The list of documents sent by the above-mentioned defendants:

1. The Claim and its Russian translation

2. The Claim notification and its Russian translation

3. Request for jury

4. Plaintiff's Motion to the defendant Newspaper "Izvestia" for admissions of the facts and its Russian translation

5. Plaintiff's Motion to the Court regarding the Request for admissions;

6. Certificate of the admissions of the facts

Receipts proving the mailing are enclosed.

I am aware of my responsibility for perjury.

Sincerely,

Assistant of General Director
A. Rusakov

Approved,
Deputy General Director
O. Vorob'ev

Attached Registered Mail Receipts

Gennagiy Charodeev
13 Tverskaya Street, Building 1
Moskow, K-B GCP, 103791 Russia

Post Stamp 6192

Vladimir Mikheev
13 Tverskaya Street, Building 1
Moskow, K-B GCP, 103791 Russia

Post Stamp 6193

Editorial Board of The Newspaper "Izvestia"
13 Tverskaya Street, Building 1
Moskow, K-B GCP, 103791 Russia

Post Stamp 6194

The Newspaper "Izvestia"
Joint-Stock Company
13 Tverskaya Street, Building 1
Moskow, K-B GCP, 103791 Russia

Post Stamp 6195

APPENDIX F

VIRGINIA:

IN THE ARLINGTON COUNTY CIRCUIT COURT

Law Number: 97-1139

Alexander Konanykhine,
Plaintiff,

vs.

Izvestia Newspaper, et al.
Defendants.

PLAINTIFF KONANYKHINE'S REQUEST TO PLACE CASE ON TERM DAY DOCKET

Plaintiff Alexandre Konanykhine, by and through his attorneys, J.P. Szymkowicz, and the Law Firm of SZYMKOWICZ & ASSOCIATES, P.C., respectfully respects this Honorable Court to place this case on the February 16, 1999 Term Day docket.

Respectfully submitted,

/s/
J.P. Szymkowicz
V.S.B. #39120

SZYMKOWICZ & ASSOCIATES, P.C.
1899 L Street, N.W., Suite 250
Washington, DC 20036
(202) 862-8500

Attorney for Plaintiff Konanykhine

APPENDIX G

(Excerpts from December 13, 2001 Izvestia Trial Transcript)

Direct Examination of Alec Sarkesian
Page 34, Line 17 through Page 35, Line 6

Q: How did you first learn who Alexandre Konanykhine was?

A: From Izvestia.

Q: What did you learn about Mr. Konanykhine from these articles?

A: He is a bad guy, he is a thief, he has stolen eight million dollars.

Q: Where did you read these negative things?

A: On Internet here in Virginia.

Q: Which Internet newspaper was that?

A: Izvestia.

Q: Is the newspaper that's available on the Internet the same newspaper, containing the same stories as available in the print version?

A: Yes. Yes.

Direct Examination of Alexandre Konanykhine
Page 71, Line 23 through Page 72, Line 12

Q: We're in court today because the defendant, Izvestia Newspaper printed statements about you in its on-line newspaper?

A: Yes.

Q: And in its newspaper in Russia; is that correct?

A: Yes. But, it's been distributed internationally, including United States, including Commonwealth of Virginia. It is distributed in—I mean, it's like many—on many newsstands you can buy not only English language articles like USA Today or Washington Post, but, also principle newspapers of other countries. And I think we're

here just because the damages were—happened here and I cannot work in, as I would work otherwise, because of these articles here in the United States.

APPENDIX H

VIRGINIA:

IN THE ARLINGTON COUNTY CIRCUIT COURT

Law Number: 97-1139

ALEXANDRE KOANYKHINE,
Plaintiff,

vs.

IZVESTIA NEWSPAPER, *et al.*,
Defendants.

AFFIDAVIT OF PLAINTIFF KONANYKHINE IN SUPPORT OF HIS RESPONSE TO DEFENDANT EDITORIAL STAFF OF IZVESTIA NEWSPAPER'S MOTION TO VACATE DEFAULT JUDGMENT

(attachments and footnotes omitted)

1. My name is Alexandre Konanykhine.

2. I am 33 years old, and am competent to testify as to the matters stated in this Affidavit.

3. This Affidavit is prepared in support of my Response to Defendant Editorial Staff of Izvestia Newspaper's Motion to Vacate Default Judgment.

4. On October 27, 1997, my wife, Elena Gratcheva and I bought a copy of Izvestia Newspaper at One Stop News, located at 1100 South Hayes Street, Arlington, Virginia.

5. I certify that I searched the Old Dominion University Library catalog and found that Izvestia Newspaper is available for review in this Library.

6. I certify that I searched the George Mason University Library catalog and found that Izvestia Newspaper is available for review in this Library.

7. I certify that I searched the University of Virginia Library catalog and found that Izvestia Newspaper is available for review in this Library.

I swear and affirm that the statements contained in this Affidavit are true under the penalties of perjury.

/s/
Alexandre Konanykhine

APPENDIX I

VIRGINIA

IN THE ARLINGTON COUNTY CIRCUIT COURT

Law Number: *97-1206*

ALEXANDER KONANYKHINE,
Plaintiff,

vs.

KOMMERSANT PUBLISHING HOUSE, *et al.*
Defendants.

ORDER

Upon consideration of Defendant Kommersant Publishing House, Defendant Kommersant Daily Newspaper and Defendant Infox, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction and Plaintiff Alexandre Konanykhine's Response thereto, it is this 17th day of April, 1998, HEREBY ORDERED THAT Defendants' Motion to Dismiss is DENIED.

April 17, 1998
Date

/s/
Benjamin Kendrick, JUDGE
Arlington County Circuit Court

Seen and agreed:

/s/
J.P. Szymkowicz, Esquire

SZYMKOWICZ & BUFFINGTON
2401 Pennsylvania Avenue, N.W.,
Suite 410
Washington, DC 20037
(202) 862-8500

Attorney for Plaintiff Konanykhine

Objected to:

/s/
Kathleen M. Graber, Esquire

MAYS & VALENTINE, L.L.P.

8201 Greensboro Drive, Suite 800
McLean, Virginia 22102-3805
(703) 734-4334

Attorney for Defendants